

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Roanoke Division**

MARTHA KAY BAIRD HOOKER,

Plaintiff,

v.

CHERYL FACCIANI, et al.,

Defendants.

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Case No. 7:23-cv-00750

MOTION TO DISMISS COMPLAINT

COME NOW Defendants Cheryl Facciani, Timothy Greenway, Brent Hudson, and Dr. Kenneth Nicely, by counsel, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and move for dismissal of Plaintiff's Complaint (ECF No. 1) for failure to state a claim upon which relief can be granted. Defendants rely on the accompanying memorandum in support of this motion.

WHEREFORE Defendants respectfully request that the Court enter an Order dismissing the Complaint with prejudice and granting them such further relief as the Court may deem appropriate.

Dated: January 25, 2024

Respectfully Submitted,

Cheryl Facciani, Timothy Greenway, Brent
Hudson, Dr. Kenneth Nicely

By Counsel

[signature on following page]

/s/ R. Matthew Black

Stacy L. Haney (VSB 71054)

R. Matthew Black (VSB 94663)

HANEY PHINYOWATTANACHIP PLLC

9201 Arboretum Pkwy, Suite 160

Richmond, VA 23236

Tel: (804) 500-0310

Fax: (804) 500-0309

shaney@haneyphinyo.com

mblack@haneyphinyo.com

Counsel for Defendants Cheryl Facciani,

Timonthy Greenway, Brent Hudson, and

Dr. Kenneth Nicely

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of January, 2024, I have electronically filed the foregoing using the CM/ECF system, which will automatically send email notification of such filing to counsel of record as follows:

Thomas E. Strelka (VSB 75488)
L. Leigh Rhoads (VSB 73355)
Brittany M. Haddox (VSB 86416)
Monica L. Mroz (VSB 65766)
STRELKA EMPLOYMENT LAW
4227 Colonial Ave.
Roanoke, VA 24018
Tel: (540) 283-0802
thomas@strelkalaw.com
leigh@strelkalaw.com
brittany@strelkalaw.com
monica@strelkalaw.com
Counsel for Martha Kay Baird Hooker

/s/ R. Matthew Black
Stacy L. Haney (VSB 71054)
R. Matthew Black (VSB 94663)
HANEY PHINYOWATTANACHIP PLLC
9201 Arboretum Pkwy, Suite 160
Richmond, VA 23236
Tel: (804) 500-0310
Fax: (804) 500-0309
shaney@haneyphinyo.com
mblack@haneyphinyo.com
*Counsel for Defendants Cheryl Facciani,
Timonthy Greenway, Brent Hudson, and
Dr. Kenneth Nicely*